

*D1* 10 ~~18~~. (Amended) Plasmids pTRJS'B435, pTJS'B436, pTJSS'035, pTJSS'036, pTJS'x535 and pTJS'x536, each a vector of claim ~~9~~ *8* 48.

*D2* 13 ~~35~~. (Amended) A transgenic microorganism or plant comprising cells of a microorganism or plant transformed with a vector of claim ~~9~~ *8* 48.

### REMARKS

Reconsideration and withdrawal of the objections to this application are respectfully requested in view of these amendments and remarks.

Claims 17, 18, 23, 32, 33, 35, 42, 43 and 45 to 53 are pending in this application.

In the Office Action mailed on July 26, 1999 and remailed on August 26, 1999, the Examiner indicated that claims 17, 23, 32, 33, 42, 43 and 45 to 53 are allowable as written. However, the indicated allowability of claims 18 and 35 was withdrawn in view of new grounds of rejection under the second paragraph of 35 U.S.C. §112. More specifically, the Examiner states that claims 18 and 35 are objected to as being dependent on cancelled claim 9.

Applicants respectfully request that this objection be reconsidered and withdrawn.

At the outset, the Examiner's attention is directed to claim amendments in the Proposed Amendment Under 37 C.F.R. submitted on April 27, 1992 in this application. In this proposed amendment, claims 18 and 35 were amended to be dependent on claim 48, instead of claim 9. In the Advisory Action mailed May 22, 1992, the Examiner indicated that the proposed amendment will be entered upon by filing an appeal. An appeal was subsequently filed.

Therefore, it is respectfully asserted that the proposed amendment modified claims 18 and 35 so that they are dependent upon claim 48, and that no further amendment is necessary.

72